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Attorneys for Plaintiff Boston Scientific Corp.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOSTON SCIENTIFIC CORP..

Case No. CV 08 3844 PJH

Plaintiff.

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

vs.

MEDTRONIC, INC., MEDTRONIC
VASCULAR, INC., MEDTRONIC USA, INC.,
MEDTRONIC VASCULAR GALWAY, LTD.

Defendants

AND RELATED COUNTERCLAIMS

1 Counsel report that they have met and conferred regarding ADR and have reached the following
2 stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 **Private Process:** The parties agree to engage in private mediation using a mutually acceptable
4 mediator from JAMS (or a similar organization).

5 **Timing:** The parties believe that mediation before the claim construction ruling would not be
6 fruitful as the scope of the claims may materially impact parties' infringement and invalidity contentions.
7 The parties propose that they hold a private mediation within 60 days of the claim construction ruling or
8 before the fact discovery cutoff, whichever is earlier.

9 Respectfully submitted,

10 Dated: October 30, 2008

HOWREY LLP

11 By: _____
12 Katharine L. Altemus
13 Attorneys for Plaintiff/Counterdefendant
14 BOSTON SCIENTIFIC CORP.

16 **GIBSON, DUNN & CRUTCHER LLP**

17 By: _____
18 H. Mark Lyon
19 Attorneys for Defendants/Counterclaimants
20 MEDTRONIC, INC., MEDTRONIC
21 VASCULAR, INC., MEDTRONIC USA, INC.,
22 and MEDTRONIC VASCULAR GALWAY,
23 LTD.

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1 Concurrence in the filing of this document has been obtained from H. Mark Lyon, the signatory
2 listed above.

3
4 Dated: October 30, 2008

HOWREY LLP

5 By: /s/

6 Katharine L. Altemus
7 Attorneys for Plaintiff/Counterdefendant
8 BOSTON SCIENTIFIC CORP.

9
10 **[PROPOSED] ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12 Dated: 1/23/09

